UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

June 3, 1996

Bureau of Land Management
Division of Planning and Environmental Coordination
1849 C Street NW
(406 L St)
Washington, D.C. 20240

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the **Clear Creek Management Area Proposed Resource Management Plan Amendment, Fresno and San Benito Counties, California.** Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act. This letter and enclosures are also intended to be used to convey our formal protest to the proposed Clear Creek Management Area (CCMA) Resource Management Plan Amendment in accord with 43 CFR 1610.5-2.

The FEIS evaluates alternatives for management of the CCMA, a 50,000-acre area which includes a 30,000-acre Hazardous Asbestos Area of Critical Environmental Concern(ACEC) and the San Benito Mountain Natural Area. The CCMA is currently a popular OHV use area with 400-600 miles of unpaved vehicle routes and almost 3,000 acres of barren hill climbs.

The preferred alternative identified in the FEIS (Alternative 3), would provide opportunities for recreational use of the area, primarily for off-highway vehicles (OHV) and camping. The San Benito Mountain Natural Area would be managed for its unique plant communities. This alternative is substantially different than the alternative identified in the Draft Environmental Impact Statement (DEIS) as "preferred." For example, the "FEIS preferred alternative" would allow 270 miles of unpaved vehicle routes and 937 acres of barren hillclimbs to remain open to OHV use whereas the "DEIS preferred alternative" would have allowed 119 miles of unpaved vehicle routes and 1229 acres of barren hillclimbs. In fact, our review suggests that the "FEIS preferred alternative" may be significantly more environmentally damaging than the "DEIS preferred alternative." For example, under the "FEIS preferred alternative" there would be 250% more miles of open roadways which would result in at

least a 25 percent increase in soil erosion; vernal pools near Spanish Lake would not be protected; and, camping would be allowed to continue in the asbestos hazard area, which could potentially increase human health risks and continue to degrade habitat for sensitive species.

In February, 1994, we expressed objections to the "DEIS preferred alternative" based on the potential human health risks posed by exposure to asbestos and impacts to water quality, soils, and unique biological resources. We rated the DEIS as EO-2 ("Environmental Objections-Insufficient Information") and requested that additional information on these issues as well as more detailed information on effective mitigation, mitigation enforcement, and monitoring be provided in the FEIS. The FEIS does not adequately respond to many of the concerns EPA expressed in commenting on the DEIS, nor does it appropriately address the items noted in our July, 1994, follow-up letter which was prepared in response to BLM's request for clarification. In several cases, we found the FEIS to be completely non-responsive.

Natural resources in the CCMA have been severely degraded as a result of years of OHV use and mining activities. Soil erosion and sedimentation of streams, degradation of sensitive species habitat, and fugitive emissions of dust,including asbestos, are active and serious problems in the CCMA. Even so, BLM advocates keeping the CCMA open for recreational use because it is a popular OHV use area.

We are extremely concerned that BLM's proposal will not adequately protect water quality. More specifically, the Federal Antidegradation Policy requires that existing instream water uses and water quality necessary to protect the existing beneficial uses shall be maintained and protected. It is BLM's responsibility to implement appropriate Best Management practices (BMPs) to enable full protection of beneficial uses of surface waters, attainment of surface water quality standards, and compliance with Federal Antidegradation Policy (40CFR 131.12).

Review of water quality data indicate that asbestos concentrations in Hernandez Reservoir likely exceed the Federal water quality standard for drinking water. Data also indicate that several water bodies on the east side of the CCMA are adversely affected by the transport of sediment and asbestos from the CCMA. Such impacts appear to constitute violations of State narrative water quality objectives for the protection of several designated beneficial uses. This is of extreme concern in that the information contained in the FEIS provides no assurance that sediment and asbestos transport from the CCMA would be significantly reduced.

In general, mitigation measures presented in this FEIS remain extremely vague, particularly for the east side of the

CCMA. We strongly recommend that BLM review and adopt the mitigation measures identified in our detailed comments as they relate to each resource (e.g., vernal pools, surface water quality, asbestos being transported off-site, etc.) In cases where route closure may be the only effective mitigation measure to protect resources, we recommend such closure.

In light of the significant revisions BLM has made to the preferred alternative and the expanded scope of its impacts, and because of the inadequate (and missing) responses to our DEIS comments, we request that BLM delay its Record of Decision (ROD) until detailed responses are prepared on the issues we have raised, both in our FEIS comment letter as well as our July 8, 1994, letter. We also recommend that BLM's responses be circulated for full public and agency review before preparing a ROD. We would also like to provide input into the draft ROD before it is submitted to the decisionmaker in its final form.

EPA is taking this opportunity to formally protest because we believe that the Director's decision to implement the preferred alternative would impose the potential for significant adverse impacts on area users, nearby residents, and BLM employees, and would continue to significantly & adversely impact environmental resources. We firmly believe that extensive additional information regarding health and environmental impacts is needed in order for the decisionmaker to make a well informed decision for management of the CCMA. In support of our protest we've enclosed several letters which outline EPA's unsuccessful attempts to have our concerns addressed over the past several years. Specific comments on this FEIS are also enclosed.

We intend to follow up this letter with additional details on water quality concerns and recommended mitigation measures. We look forward to working with BLM to resolve the resource management issues we've raised. Meanwhile, if you have any questions, please contact me at (415) 744-1015, or David Farrel, Chief, Office of Federal Activities at (415) 744-1584 or have your staff call Jeanne Geselbracht at (415) 744-1576.

Sincerely,

Deanna M. Wieman

Deanna M. Wieman, Director
Office of External Affairs

Enclosures (7):

1 - EPA letter dated May 14, 1984
2 - EPA letter dated June 25, 1991
3 - EPA letter dated Nov. 9, 1992
4 - EPA letter dated June 29, 1993
5 - EPA letter dated Feb. 15, 1994
6 - EPA letter dated July 8, 1994
7 - EPA comments on FEIS

cc (W/FEIS comments only):

Robert Beehler, BLM-Hollister
Ron Fellows, BLM-Bakersfield
Dick Sanderson, EPA HQ
Central Valley Regional Water Quality Control Board-Fresno
Central Coast Regional Water Quality Control Board
California Department of Water Resources
Monterey Bay Unified Air Pollution Control Board
San Joaquin Valley Air Pollution Control District
U.S. Fish and Wildlife Service
California Department of Fish and Game
California Department of Parks and Recreation

General Comments/Questions

In February, 1994, EPA provided extensive comments to BLM regarding the CCMA DEIS. We expressed objections to the preferred alternative based on the potential human health risks posed by exposure to asbestos in the CCMA, and impacts to water quality, soils, and unique biological resources. We requested additional information in the FEIS regarding existing conditions and potential impacts to human health, air and water quality, and soil and biological resources. We also requested more detailed information on effective mitigation, enforcement, and monitoring in the CCMA.

The FEIS fails to respond to many of the comments contained in our February 15, 1994, letter and does not provide responses to comments contained in our July 8, 1994, letter which was prepared at BLM's request for further clarification of our earlier concerns. Section 1503.4 of The Council on Environmental Quality's (CEQ) "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," clearly outlines agencies' responsibilities to respond to comments. Additional guidance can also be found in CEQ's March 1981, "Questions and Answers about the NEPA Regulations" at Q/A 29. We recommend that BLM refer to these documents in preparing responses to all comments generated pursuant to NEPA.

Despite our objections to the preferred alternative identified in the DEIS (Alternative 4), the preferred alternative proposed in the FEIS (Alternative 3) appears even more environmentally damaging. For example, the current preferred alternative would keep 270 miles of vehicle routes open rather than 119 miles, as the DEIS preferred alternative would have, and erosion caused by the new alternative is projected to increase by approximately 25 percent over the initially identified preferred alternative. Therefore, under the FEIS preferred alternative, roads and hillclimbs would contribute 11,300 tons of sediment per year to the watersheds in the CCMA. Under the DEIS preferred alternative, 8,600 tons would have been eroded from roads and hillclimbs, primarily in the Clear Creek watershed. Although the FEIS preferred alternative may reduce erosion and sedimentation in the Clear Creek watershed relative to the DEIS preferred alternative, erosion and sedimentation would increase in the other CCMA watersheds.

While both the DEIS and FEIS preferred alternatives would reduce impacts to public health and the environment compared to the no action alternative, we continue to object to both alternatives based on the significance of their impacts. EPA's Record of

Decision for the Atlas Mine Area Superfund Operable Unit states that BLM had agreed to revising its land use plan for the CCMA in order to **minimize** airborne asbestos emissions and their threat to public health. The Atlas Mine Record of Decision also stated that EPA would evaluate whether BLM's CCMA management plan is adequate to protect human health and the environment, publish a public notice of its determination, and decide whether further action under the Comprehensive Environmental Response, Compensation, and Liability Act would be necessary in the CCMA. In a December, 1992, Public Notice regarding the Atlas and Coalinga Asbestos Mines Superfund Sites, EPA stated that, because BLM had not yet released its plan for the CCMA, EPA would remain involved in BLM's planning and analysis process in order to help ensure protection of public health and the environment from the asbestos waste in the CCMA.

The FEIS preferred alternative does not minimize airborne asbestos emissions and their threat to public health. Therefore, EPA wishes to remain involved in BLM's CCMA planning process until we believe that protection of health and the environment can be ensured by the CCMA plan. We recommend that BLM evaluate an alternative that could accomplish BLM's goals for the CCMA while fully protecting public health and environmental resources. If BLM cannot develop such an alternative, closure of the CCMA should be seriously reconsidered as an available management alternative.

Several of the comments in the "General Comments" portion of our DEIS comment letter received no response from BLM in the FEIS. For example, our suggestion that the EIS evaluate an alternative which would close the entire ACEC to motor vehicles and provide further discussion of alternate OHV recreation sites was not included in the FEIS. Similarly, we could find no responses to our DEIS comments #5, 6, and 7. In addition, some of our specific comments regarding water and air quality received little, if any, response. Those comments are again presented in the air and water sections below.

The process of designating and opening 270 miles of vehicle routes for OHV use remains unclear. For example, how many miles would be designated as "open" at the beginning of the inventory process (i.e., immediately after the ROD is approved)? How many miles would be designated each year? How many years would the designation process take? We recommend that this be clarified in BLM's response to our comments.

The FEIS also failed to clarify what the seasonal closures of roads in the CCMA would entail, including how closures would be enforced. It would also be helpful to know which, if any, of the

primary roads through the CCMA would remain open. (See comment #3 on page 11 of our DEIS comment letter).

Air Quality and Health Risk Assessment Comments/Questions
Unlike the preferred alternative identified in the DEIS, the FEIS preferred alternative would allow primitive camping inside the hazardous asbestos area, which would, according to the FEIS, increase the cancer risk to users. It remains unclear to us whether persons using the existing campgrounds are fully aware of the health hazards present. During a May 10, 1996, tour of the CCMA, EPA staff were unable to find any notices posted on bulletin boards in campgrounds warning campers or other recreational users of the potential health hazards associated with asbestos.

Although the health risk assessment is unclear regarding the additional risk resulting from camping, we urge BLM to completely exclude camping within the hazardous asbestos area until the health risks are better known. If camping is not precluded from within the Serpentine Area of Critical Environmental Concern (ACEC), BLM should, at a minimum, rectify this situation immediately by posting notices on all bulletin boards and/or other appropriate signs. In addition, the staging areas where primitive campgrounds presently exist provide habitat for sensitive species in the CCMA, and prohibiting camping could improve habitat conditions (personal communication between Jeanne Geselbracht, EPA, and Tim Thomas, U.S. Fish and Wildlife Service, 3/8/94).

The FEIS (p. 23) states that approximately 30 miles of routes **could** be dust-suppressed. The uncertainty of BLM's actions related to this statement prompt us to ask several questions: Is this a BLM commitment? What would the action level be for triggering the need for dust suppression? Would funding be available for suppression? Would water or a chemical dust suppressant be used? If a chemical dust suppressant would be used, how often would it need to be applied? If primary roads would remain open during daily or seasonal closures, how would dust suppressants be applied?

According to the FEIS (p. 12), activities in the hazardous asbestos area would occur only within the limits of the Occupational Safety and Health Administration (OSHA) asbestos action levels. In addition, BLM would ensure that its employees meet all OSHA requirements (p. 22). However, it appears that BLM's procedures may not protect its employees or CCMA users. For example, it remains unclear how BLM will accurately monitor for asbestos exposure because it currently takes two days for BLM

to obtain monitoring results, rendering the results outdated for the purpose of protecting people in a real time mode. The FEIS states that EPA and the local APCDs will be involved to assist in determining appropriate air monitoring methodologies. Since 1993, EPA has provided comments to BLM regarding monitoring methodologies. It is unclear why BLM has not used this information to develop appropriate monitoring methods and why such methods are not presented in the FEIS. We recognize that sufficient funding must be available to BLM to conduct appropriate, real time monitoring in the CCMA. In responding to these comments, we ask that BLM discuss how real time monitoring would be conducted to ensure protection of BLM employees and CCMA users and specify its cost. The response to comments should also provide the details regarding how monitoring would trigger daily or seasonal closures and openings of the CCMA, how closures would be enforced, and how campers would be evacuated if the asbestos action level were exceeded. If appropriate monitoring cannot be implemented and action levels enforced, BLM should assume exceedence of the action level and implement worker protection measures (e.g., personnel safety equipment) and CCMA closure.

At a minimum, we strongly recommend that BLM meet the OSHA requirements for warnings, labeling, and worker protection, including respiratory protection when fiber levels exceed the permissible exposure level. If the CCMA is to remain open, signs are needed throughout the area warning people of the dangers caused by asbestos fibers, including cancer and lung disease. If asbestos concentrations exceed the action level, signs should be posted stating that respirators and protective clothing should be worn in the area.

While some effort was made in the FEIS response to comments to incorporate discussions of uncertainty associated with asbestos exposure-related risk estimates, this information has not been well integrated with the discussion of risks presented in other parts of the document. Therefore, we believe the risk results presented in such discussions remain misleading.

On the positive side, a general discussion of sources of uncertainty (with estimates of the magnitude of such uncertainties given for some, but not all, of the listed sources) has been incorporated into the FEIS. A brief summary of the supporting risk assessment has also been included as an appendix, although we had hoped that the bulk of the risk assessment would be appended.

There has, however, been no attempt to evaluate the "raw' uncertainty information provided to generate a range of bounds for the risk estimates presented in the FEIS. As a consequence,

estimates of overall asbestos risks that are provided in the executive summary and in the discussion of each of the six management alternatives are given as absolute numbers with no uncertainty bounds attached. Among other things, this leaves the false impression that potential risks associated with each of these management alternatives are truly in the order of magnitude range of 1 in 100,000. In reality, they may be 10s or 100s of times larger or smaller.

Expressing risk estimates as absolute values with no uncertainty bounds also gives the false impression that there is a significant difference between the 5 in 100,000 risk estimated for alternatives 1 through 4 and the 2 in 100,000 risk estimated for alternatives 5 and 6. This is problematic for two reasons. First, the differences in these two values are too small to be considered significant, but there is no way to tell this from the text. Second, and more importantly, because neither the specific populations who would potentially be exposed nor the precise source of the numerical differences are specified in the text, these numbers cannot be accurately interpreted. For example, if these are supposed to represent the level of risks received by OHV users under each of the various management alternatives, there should be no difference between the alternatives. As long as such users spend a substantial fraction of their time on un-dust-suppressed surfaces under each alternative (except alternative 6), we would expect their overall exposure to be the same from alternative to alternative. In addition, be believe it does not matter whether the total variety of trails riders use for such activities is reduced, because we would expect that they would simply choose to ride more frequently over more the limited terrain. In fact, in comparison with the no action alternative, exposures could actually increase for this population by restricting access because it might be assumed that riders would ride closer together in larger groups thereby receiving exposures generated by a greater number of vehicles.

The problem of what specifically the risk estimates mean, has not been addressed in the modifications to this document. In addition to the related comment above, there is no indication of the specific duration and frequency of exposure associated with each of the exposure estimates presented. It is also not clear whether the risk estimates are associated with single year or multiple year exposure. The exposure frequency and duration assumptions associated with each risk estimate presented in this document must be specified before the numbers can be interpreted.

It also remains unclear what is meant by "allowing riding only under OSHA controlled limits." Based on the FEIS, it appears that BLM would monitor its own workers at the site and intends to

close the site when the personal monitors worn by its workers exceed the OSHA limit. In addition to the logistical difficulties and the temporal delays associated with such monitoring, it is difficult to see how exposure concentrations estimated for BLM workers in the general area can be considered to relate in any reasonable fashion to what an OHV user might or might not be experiencing (unless the BLM worker is riding on the same vehicle at the same time).

The FEIS fails to respond to several of our DEIS comments concerning "Health Risk Assessment." Specifically, EPA comments # 9, 10, 11, and 12 were neither recognized nor responded to in the FEIS. BLM's response to our comments in this letter should respond to our earlier comments as well.

Watershed Comments/Questions

The FEIS (p. 122) states that impacts from OHV use are not expected to affect the Hernandez Dam and Arroyo Pasajero Ponding Basin. We believe this statement is unfounded. Water quality data indicate that asbestos concentrations in Clear Creek and Hernandez Reservoir likely exceed the Federal and state water quality standard for drinking water. Water quality data indicate that several water bodies on the east side of the CCMA are adversely affected by the transport of sediment and asbestos from the CCMA, including Los Gatos Creek which drains into the Arroyo Pasajero and the Pasajero Ponding Basin. Such impacts appear to constitute violations of State narrative water quality objectives for the protection of several designated beneficial uses. While it is BLM' responsibility to implement appropriate Best Management Practices (BMPs) to enable full protection of beneficial uses of surface waters, attainment of surface water quality standards, and compliance with the Federal Antidegradation Policy (40 CFR 131.12), our review of the FEIS indicates that the preferred alternative does not provide sufficient detail to assure that reduction of sediment and asbestos transport from the Clear Creek Management Area, particularly the Eastside, would take place.

According to the FEIS, BLM considers protection of vernal pools a high priority. However, under the FEIS preferred alternative, the vernal pools near Spanish Lake would not be protected as they would have been under the preferred alternative in the DEIS. In addition, although the vernal pools north of Clear Creek are already fenced, it is unclear that under the FEIS preferred alternative they would be protected from sedimentation and erosion. We are puzzled by BLM's decision to continue to expose these resources to degradation caused by OHV use. Pursuant to

Executive Order 11990, "Protection of Wetlands," BLM is responsible for providing leadership and taking action to minimize the destruction, loss or degradation of wetlands, and preserving and enhancing the natural and beneficial values of wetlands in carrying out the agency's responsibilities, including land use planning. We urge BLM to commit to measures that would effectively protect the vernal pools near Spanish Lake. If fencing would not be effective, route closures above and below the vernal pools should be implemented. These issues should be addressed in BLM's response.

Under the FEIS preferred alternative, approximately 77 tons/acre/year of sediment erosion (25 times the natural erosion levels) would occur as a direct result of roadways in the CCMA. Much of this sediment is immediately transported into creeks during heavy rainfall events (FEIS, p. 109). However, despite BLM's proposed mitigation measures, residual impacts would occur to creeks in the CCMA from hillslope failure caused by roads, road maintenance, and/or vehicle use (p. 110). It remains unclear how much total residual erosion and sedimentation would occur in the CCMA. It appears likely, however, that residual erosion would be significant, particularly in watersheds other than Clear Creek. According to the FEIS (p. 112):

> "A reduction in the downstream sedimentation and transport of both topsoil and asbestos fibers would be expected under this alternative **if** the sediment dams are constructed along **Clear Creek**. In watersheds not maintained for erosion control, continued adverse impacts on water quality, downstream dams, and reservoirs would occur. In these non-maintained watersheds, downstream flooding would continue, and this...could cause stream banks to collapse and remove existing riparian vegetations." (emphasis added).

This appears to imply that watersheds other than Clear Creek would not be maintained for sediment control, and continued adverse impacts to water quality, downstream dams, and reservoirs would occur. Because the commitments to specific mitigation measures are extremely vague in the FEIS, it is unclear whether sediment dams would actually be constructed along Clear Creek. Erosion and sediment control measures should be implemented in **all** watersheds to minimize both the loss of soil resources and degradation of water quality. If funding would not be available to adequately minimize erosion/sedimentation impacts, routes should be closed to OHV use. This should be discussed in BLM's response.

We reiterate our comment regarding the need for BLM to specify objectives for erosion reduction (e.g., a given percent erosion

reduction in all areas) based on the needs of watershed restoration and BLM's responsibilities to protect soil resources and to comply with water quality standards and objectives, rather than identifying a range of road miles without any specific erosion reduction targets. (See page 3 of our July 8, 1994, letter). BLM's proposal to designate 270 miles as open OHV routes appears to be arbitrary and without basis in the context of resource protection goals. It is imperative that BLM determine erosion/sedimentation reduction goals and then use those goals to determine the acceptable mileage and categories of routes that can remain open.

Under the FEIS preferred alternative, 30.5 miles of routes would be annually maintained by grading. BLM has, however, not agreed to pave these roads. The FEIS (p. 161) states that road grading by the County has historically contributed a significant amount of sediment into Clear Creek. It remains unclear how road grading in the future would be conducted to minimize sedimentation in Clear Creek. We request that BLM's response specify the mitigation measures that would be implemented to prevent further significant degradation of water quality from road maintenance.

Wilderness

According to the FEIS Errata Sheet, the CCMA includes the San Benito Wilderness Study Area (WSA) which was erroneously removed from BLM's WSA management guidance policy in the early 1980's and not rediscovered until the Spring of 1995. Until Congress makes the final determination regarding this WSA, the FEIS indicates that BLM will manage the area under WSA policy. It is our understanding that WSA management policy requires motor vehicle use to be limited to routes that were existing prior to the passage of the Federal Land Policy Management Act of 1976 (FLPMA), and that the use be limited to the same manner and degree that occurred prior to that date. It is unclear that the preferred alternative would be consistent with WSA policy. BLM's response should identify the routes within the WSA that existed prior to passage of FLPMA and indicate their manner and degree of motor vehicle use at that time. The response should also discuss the relationship between the preferred alternative and WSA policy, as described, and **clearly** specify routes that should be closed to maintain consistency with WSA policy.

Mitigation

We requested additional information regarding mitigation measures in our DEIS comment letter. Unfortunately, most of the mitigation measures presented in the FEIS remain extremely vague. In accord with 40 CFR 1502.14(f), an EIS should include "appropriate mitigation measures not already included in the proposed action or alternatives." We believe it is extremely important that all mitigation measures be clearly presented in order to disclose any residual impacts and the efficacy of the environmental protection/enhancement measures of each alternative. BLM's response to comments should address this. We also request a copy of the erosion report which was prepared by BLM's consultant.

FEIS Response to Comments

The following EPA comments relate to BLM's responses (to our DEIS comments) presented in the FEIS. We request that they be re-addressed to clarify the issues in question.

#3-5: The discussion of uncertainties associated with risk estimates is still misleading, even with the modification incorporated on page 45 of the FEIS. Among other things, none of the risk estimates in this document should be reported as absolute numbers (i.e., without an associated set of upper and lower confidence bounds). Although the discussion introduces the sources of uncertainty, there is no attempt to integrate these results to generate a set of bounds that should be applied about all of the risk estimates reported in the document. We also believe that some of the estimates of the magnitude of uncertainty described for certain sources of uncertainty are incorrect. For example, comparison between the risk estimates derived using the University of California data versus the BLM data should not suggest bounds limited by the ratio of these sets of results, as discussed in our comments in the "Air Quality and Risk Assessment Comments" section, herein.

#3-6: We disagree with the FEIS response. Risk estimates provided in an EIS should be accompanied by sufficient supporting information to allow an outside reviewer to independently reproduce the calculations by which they are derived because the FEIS presents values from which conclusions are drawn in this document. At an absolute minimum, each risk estimate should be accompanied by a reference that cites the document and the pages within that document where the calculations are presented.

#3-10: The OSHA asbestos standard is intended to be applied only to workplace exposures. It should not be applied to non-worker exposures because:

(1) it is based on a monitoring technique (PCM) that exhibits questionable utility (except in very controlled and consistent indoor exposure environments) when attempting to evaluate the risks potentially associated with exposure;

(2) it incorporates an entirely different set of duration and frequency assumptions than those commonly associated with non-occupational exposures (and those assumed for exposed populations at Clear Creek); and

(3) its is designed to prevent workers from experiencing risks exceeding one in a thousand, which is orders of magnitude less protective than the risk standard commonly applied in non-occupational situations.

#3-11: Although there may be reports suggesting that chrysotile asbestos from the New Idria formation is "short fiber" asbestos, we do not believe that analyses have been conducted that would support drawing conclusions concerning the relative fiber length of New Idria asbestos versus asbestos from other sources.

#3-12: As stated in #3-6 above, the revised EIS should provide the duration and frequency assumptions to which the risk estimate applies.

#3-14: We remain concerned regarding the potential for continuing exposure due to transport of asbestos in clothing and equipment from the CCMA to users' homes.

 # 3-16: We requested estimated annual PM10 emissions to air for each alternative. The response states that BLM has recently received more definitive information regarding PM10 emissions and has summarized this in the FEIS. However the Environmental Consequences chapter says nothing about PM10 emissions. The Environmental Affects chapter only states that PM10 emissions estimated by computer modeling were found to potentially exceed State and Federal standards and that the BLM would need to conform to the San Joaquin Valley Air Pollution Control District's (SJVAPCD) PM10 reduction plan. This response is insufficient. The FEIS does not specify the emissions estimates for each alternative's incremental contribution to PM10 or the cumulative PM10 concentrations in the SJVAPCD. Furthermore, the FEIS does not discuss the measures that BLM would need to implement in order to conform with the PM10 reduction plan. It is unclear whether the CCMA's PM10 estimates were even included

in the SJVAPCD's assumptions for their State Implementation Plan (SIP). The response to comments should thoroughly address these issues.

 # 3-17: The FEIS mentions that modeling was conducted for reactive organic gases, nitrogen oxides, and carbon monoxide and that emissions were within existing air quality standards. Information on the actual emissions or their contributions to ambient air quality in the air districts, however, was not provided. This information is necessary to determine the actual impacts to air quality from the preferred alternative, and, as such, should be provided.

 # 3-19: According to the FEIS, a route and trail inventory was scheduled to be completed by BLM's consultant last winter. BLM should discuss the results of the inventory, which was to "be used in the development of BMP's...to better manage the water quality, sediment and erosion problems..." (p. 16).

 # 3-20: The FEIS response here identifies BMP's that **could** be used under Alternatives 4 or 5. It is unclear that BLM's preferred alternative (Alternative 3) would include these measures. BMP's that would be implemented under the preferred alternative should be clearly identified. Information regarding appropriate BMP's is contained in EPA's Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters. Further guidance is contained in the State's Coastal Nonpoint Pollution Control Submittal (in conformance with Section 6217 of the Coastal Zone Act). As we stated in our DEIS comment letter, BLM should also describe how BMPs, standards and guidelines, and other measures designed to minimize water quality impact from BLM activities would ensure compliance with the Antidegradation Policy. BLM should consult and coordinate with the State Water Resources Control Board and the Central Coast and Central Valley Regional Water Quality Control boards (Regional Boards) to determine if it is possible to develop effective BMP implementation and monitoring procedures.

#3-21: The FEIS indicates that the waterways in Clear Creek are designated for recreational use and warm water fisheries and are not classified as high quality, i.e. drinking water quality. Discussions have also been added to the Affected Environment and Environmental Consequences sections of the FEIS regarding beneficial uses and native fishes present throughout the CCMA and the impacts the various alternatives would have on them. Chapter 3 has also been expanded to include a discussion of beneficial uses of water bodies within the CCMA, with a brief discussion of agencies with jurisdiction over these resources. The beneficial

use designations included in this section appear correct for streams classified under West Side Streams (p. 70).

The FEIS (p. 70) correctly states that the Central Coast Regional Board did not specifically mention or group any streams in the CCMA that drain into the San Benito River (Carpenter, 1994, personal communication) but, incorrectly infers that for such unnamed waters in the Central Coast Basin, there are only two beneficial uses: Water Recreation (i.e; wading, camping, etc.) and Aquatic Life (i.e. fish and amphibians). We believe there may be more than the two beneficial uses, however. Section I of the Central Coast Basin Plan states that if beneficial uses are not specified, then uses for municipal, recreation, and warm water fisheries, are assumed (p. 2-1(5), Table 2-1). Specifically, according to State Board Resolution No. 88-63, "Sources of Drinking Water Policy," all surface waters are considered suitable, or potentially suitable, for municipal or domestic water supply except when:

a. TDS exceeds 3000 mg/l (5000 uS/cm electrical conductivity);
b. Contamination exists, that cannot reasonably be treated for domestic use;
c. The source is not sufficient to supply an average sustained yield of 200 gallons per day;
d. The water is in collection or treatment systems of municipal or industrial wastewaters, process waters, mining wastewaters, or storm water runoff; and
e. The water is in systems for conveying or holding agricultural drainage waters.

Thus, analysis of existing water quality data and watershed conditions relevant to these criteria must be conducted to assess whether a MUN BU designation is <u>not</u> applicable to these unnamed waters. Such an anlysis has not yet been conducted.

Also on page 70, the FEIS states that designated beneficial uses for the San Benito River and Hernandez Reservoir include Freshwater Replenishment, Navigation, and Commercial and Sport Fishing. Shell Fish Harvesting (Central Coast Regional Board, 1994) is also identified as a beneficial use for Hernandez Reservoir. While these beneficial use designations identified in the FEIS are correct, they are incomplete. Additional beneficial uses for the San Benito River should include a Wildlife beneficial use designation (WILD) and a Spawning (SPWN) designation (Table 2-1, Central Coast Basin Plan, Feb 8, 1994) as well as intermittent beneficial use designations for: Municipal (MUN), agricultural supply (AGR) and groundwater recharge (GWR). A Municipal (MUN) beneficial use designation should be included

for Hernandez Reservoir; this is important as federal and state drinking water standards apply to water bodies with a (MUN) designation. As noted on page 15 of this comment letter, water quality data indicates that drinking water standards are being violated in Hernandez Reservoir. Erosion and sediment data provided in the FEIS strongly suggest that CCMA activities are contributing to such violations.

#3-23: BLM's response requests information regarding access to EPA's STORET database. For guidance, STORET data entry software, and other information regarding STORET, please contact Eric Wilson, EPA Region 9, at (415) 744-1964. The software is provided free of charge, and access can be obtained from any personal computer via modem. EPA is planning to conduct STORET training for agencies this summer. If you wish to be contacted regarding the training, please contact Mr. Wilson.

#3-24: In EPA's comment letter on the DEIS, we recommended that BLM conduct a baseline water quality assessment and include the results in the FEIS, including any data available from the U.S. Geological Survey monitoring station. We believe that this information is important for the development, analysis, and selection of measures to adequately protect and/or enhance water quality. BLM's response to our comment is captured in following three paragraphs found on Pages 158 and 159 of the FEIS:

> 1. "The BLM did some limited reconnaissance water quality sampling in this area in the early 1980's. This was a one time water quality sampling program that basically identified that the surface water in the Clear Creek canyon was non-potable and did not meet drinking water quality standards."
>
> 2. "We are unaware if there has been any additional water quality sampling by either the WQCB or EPA. If there has been any further data collection by other agencies, we would consider this information along with any new studies we may conduct in the future."
>
> 3. "In 1993, the BLM contracted with the USGS to construct a water quality monitoring station, and collect periodic water quality samples for analysis. This information will be collated the USGS and submitted to the BLM in their annual report; however, to date we have no baseline water quality information available from the USGS."

Except for the second sentence in paragraph 1, the FEIS does not mention the results from BLM's early 1980 water quality sampling

program which found surface water in Clear Creek canyon to not meet drinking water standards.

BLM's lack of awareness of data collection by other agencies (paragraph 2) is puzzling, as water quality data for White Creek and Los Gatos Creek have been available since the early 1980's. A field investigation conducted by EPA in 1980 found Los Gatos Creek, White Creek, and White Creek tributaries to be contaminated with asbestos (Field Investigation of Atlas Asbestos and Coalinga Asbestos Mines, U.S. EPA, 1980). An additional water quality sampling investigation conducted by the Central Valley Regional Board in 1983 found similar results, which were forwarded on to BLM's Bakersfield District Office (May, 1983). The investigation concluded that four White Creek sub-basins contained elevated concentrations of asbestos ranging from 8.0 x 10^{6} to 2.4 x 10^{8} Fibers/liter (Inspection Report, Central Valley Regional Board, 1983). As stated in the FEIS on page 65, White Creek and Los Gatos Creek watersheds are significant water resources originating in the CCMA. The water quality data presented in these reports are very pertinent to understanding baseline water quality conditions within the CCMA; however, the FEIS does not mention these data.

There has been extensive data collection by the California Department of Water Resources (DWR) on Los Gatos Creek. In an effort to assist the Hollister Resource Area Office with baseline data compilation for the FEIS, the DWR data was discussed at a March 9, 1994, meeting between EPA and BLM, summarized, and forwarded to the Hollister Office in our July, 1994, letter. The FEIS does not mention these water quality data. Since that time, DWR has collected additional water quality data which indicate that drinking water standards were exceeded in Los Gatos Creek during the March, 1995, storm events. While Los Gatos Creek is not designated for municipal use (and thus drinking water standards do not apply), transported asbestos is a concern as large flood events overtop the California Aqueduct. The California Aqueduct provides groundwater recharge for the Kern County Water District and drinking water for the Metropolitan Water District (MWD). In the early 1980's the MWD identified Los Gatos Creek flood events as a principal source of asbestos being found in MWD water supply. Bob Coleman, Professor of Geological and Environmental Sciences at Stanford University, also collected water quality data from other streams draining the CCMA (Cantua Creek) and downstream receiving waters (Panoche Creek, Los Gatos Creek), during wet conditions in March, 1995. Asbestos concentrations in these runoff waters were found to exceed drinking water standards. As with Los Gatos Creek, Panoche Creek does not have a municipal designated beneficial use, but it drains directly into the Mendota Pool which does have a municipal

designated beneficial use. Professor Coleman also sampled Hernandez Reservoir in June, 1995. The water sample contained elevated concentrations of asbestos, exceeding drinking water standards. Professor Coleman presented his findings at the Annual EPA Asbestos Conference in January, 1996. The FEIS fails to mention these water quality data.

BLM's response in Paragraph 3 is also confusing because BLM's Tim Moore, former CCMA EIS Team Leader, stated in a recent telephone conversation regarding data collection at the Clear Creek/San Benito Creek Monitoring Station, that the USGS publishes its data on an annual basis and that data collected from the Clear Creek/San Benito Creek Monitoring Station should be in these reports (Personal Communication, Tim Hatten, EPA, 5/96). This indicated a knowledge that baseline water quality data collected at the USGS station were available. During the conversation Mr. Moore also stated that the BLM had analyzed samples collected at the USGS Monitoring Station for asbestos concentrations and that these concentrations exceeded drinking water standards. However, the FEIS fails to mention these baseline water quality data. We strongly encourage BLM to compile and provide this information to the public before the Record of Decision is finalized.

#23-2: We believe the FEIS misrepresents EPA's concerns in this response to the Desert Survivors' letter. We are concerned about air quality, including asbestos emissions and the resulting threats to public health, as well as the impacts to soils, water quality, and unique biological resources.

CCMA Implementation Plan

We recently received a copy of the working draft of the Implementation Plan for the CCMA, and wold like to offer the following comments as they relate to the FEIS and BLM's preferred alternative:

- It appears from this plan that construction of the public vehicle wash rack would not occur until 1999. It is unclear why it would take so long to implement this action which we agree is "high priority." EPA recommends that if the CCMA is to remain open to OHV use, the wash rack should be made available immediately. It is also unclear where the wash rack(s) would be located. We recommend that they be located at entrances to the CCMA so that they are sufficiently convenient to encourage all CCMA users to wash their vehicles.

- The task "REC3" in the Implementation Plan indicates that ultimate mileage designated as open would range from 220-320 miles. This is somewhat inconsistent with the FEIS, which states that 270 miles would be the ultimate mileage designated as open in the CCMA. The Implementation Plan should be consistent with whatever alternative is approved in the NEPA ROD. This underscores the need for BLM to specify objectives for erosion reduction as we brought to your attention earlier in these comments and in our letter of July 8, 1994.

- BLM has designated water quality monitoring as a low priority in the CCMA. We are extremely dismayed at BLM's clear lack of commitment to monitor water quality and use that information to improve and enhance surface waters and riparian habitat in the CCMA. We strongly encourage BLM to reevaluate and reprioritize this extremely important environmental aspect in the management of the CCMA.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

Mr. David E. Howell
Hollister Resource Area Manager
Bureau of Land Management
P.O. Box 365
Hollister, California 95024-0365

MAY 1 4 1984

Dear Mr. Howell:

This letter is regarding the FINAL HOLLISTER PLANNING AREA RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT (RMP/EIS).

Due to the asbestos hazard, we remain concerned about the use of the Clear Creek and White Creek serpentine areas by off-road vehicles (ORV's). We have objected to this activity in our past comments on both the Draft RMP/EIS and the Environmental Assessment for the Clear Creek Recreation Area Off-Road Vehicle Designation.

We do not feel that an asbestos awareness program, as is proposed in the RMP/EIS, is adequate to protect the public health from ORV activity in these areas. It has been documented that ORV users in open vehicles in these areas inhaled levels of asbestos above OSHA regulations for industry. In addition, ORV users act as dispersal agents, carrying asbestos dust off site on their vehicles, clothes and skin, to be dissipated in their homes and neighborhoods.

For these reasons, we recommend that ORV activity be prohibited in the Clear Creek and White Creek serpentine areas where there is an asbestos hazard.

Please contact Loretta Kahn Barsamian, Chief, EIS Review Section, at FTS 454-8188 to further discuss this issue. We appreciate the opportunity to review and comment upon this Final RMP/EIS.

Sincerely yours,

Charles W. Murray, Jr.
Assistant Regional Administrator
Office Policy Technical and
Resources Management

cc: Director, Bureau of Land Management

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, Ca. 94105

June 25, 1991

Robert E. Beehler
United States Department of the Interior
Bureau of Land Management
Hollister Resource Area
20 Hamilton Court
Hollister, California 95023

Re: Additional Issues for the Clear Creek RMP Amendment

Dear Bob:

This letter summarizes some additional issues that the United States Environmental Protection Agency ("EPA") would like to have included in the Bureau of Land Management's amendment of the land use plan ("RMP") for the Clear Creek Management Area ("CCMA"). This letter is also a request that Dr. Howard G. Wilshire of the United States Geological Survey ("USGS"), an expert in the field of environmental impacts of off-highway vehicle ("OHV") use, and I be included in the advisory group that will be formed to assist in the Clear Creek RMP amendment process.

BLM has identified six (6) issues which will be considered during the RMP amendment process for the CCMA. At BLM's workshop in San Jose on June 19, 1991, Steve Addington of your staff identified one other issue, the ability of the BLM to manage whatever decision is finally made. EPA believes that there are at least two additional issues which should be examined during in the RMP amendment process. These issues are:

1) overall soil loss throughout the CCMA due to OHV activity; and
2) damage to riparian vegetation throughout the CCMA due to OHV activity.

Executive Order 11644, 37 Fed. Reg. (February 9, 1972), "Use of Off-Road Vehicles on the Public Lands", states in Section 3(a)(1): "Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands". Executive Order 11989, 42 Fed. Reg. (May 25, 1977), "Off Road Vehicles on Pulic Lands", states: "...the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on

the soil, vegetation...immediately close such areas or trails...until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence". Appendix 1 of BLM's 1986 Clear Creek Management Plan and Decision Record, Item 1(c) under Soil, Air and Water includes the following language: "Close and stabilize severely eroding slopes (hill climb areas) in Clear Creek Canyon". Clearly, BLM's mandate and stated objectives include protecting the fragile soils, watershed areas and vegetation in the CCMA and, if necessary, closing or restricting access to the CCMA to minimize their degradation.

BLM's soil experts told me that they were very concerned about the level of erosion, soil loss and damage to riparian areas in the CCMA, particularly in the Clear Creek Canyon area, during a tour of the CCMA on May 1, 1991. EPA is concerned that BLM has not identified the loss of soil and vegetation (other than the potential impacts on the San Benito Evening Primrose) as issues to be considered during the RMP amendment process. EPA urges BLM to include these issues during the analysis phase of the process.

If you need any clarification on the issues raised in this letter, do not hesitate to call me at (415) 744-2219.

Sincerely,

Dan Meer

Daniel A. Meer,
Project Manager

cc: Laurie Williams

1633-92431

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, Ca. 94105-3901

November 9, 1992

Mr. Edward L. Hastey
State Director
Bureau of Land Management
United States Department of the Interior
2800 Cottage Way, Room E-2845
Sacramento, California 95825-1889

Re: Clear Creek Management Area
Atlas Superfund Site
Update on Addressing Asbestos Threat
EPA Public Notice Due December 1992

Dear Mr. Hastey:

As you know, the United States Environmental Protection Agency ("EPA") issued a Record of Decision ("ROD") for the Atlas Superfund Site on February 14, 1991. The Atlas ROD addressed, inter alia, the asbestos threat in the Clear Creek Management Area which is managed by and owned in part by your agency. This letter requests an update on your agency's plans for the Ponding Basin so that EPA can comply with its responsibilities under the Atlas ROD.

In the Atlas ROD, EPA noted that asbestos tailing had migrated from the mine area of that site, to the Clear Creek Management Area. In the Atlas ROD at page "v," EPA determined:

> At this time EPA is not proposing any action in the Clear Creek Management Area ("CCMA"). The United States Department of the Interior's Bureau of Land Management ("BLM") has indicated that it will revise its land use plan for the CCMA in order to minimize airborne asbestos emissions and the threat to public health represented by asbestos in the CCMA. In 1992, EPA will evaluate whether BLM's plan is adequate to protect human health and the environment and will publish a public notice of its determination. At that time EPA will decide whether further action under CERCLA in the CCMA is necessary.

In order to comply with its responsibilities under the Atlas ROD, EPA is requesting that your agency provide EPA with the following information:

> (a) **Actions/Evaluations To Date:** a summary of all actions taken in the last two years which evaluate and/or address the asbestos threat in the Clear Creek Management Area.

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(b) Planned Actions: a summary of the actions which your agency plans to take in the future to further evaluate and or address the asbestos threat in the Clear Creek Management Area;

(c) Schedule: a schedule for the planned evaluations/actions.

(d) Other Information: Any other information which you would like EPA to consider in determining what, if any, action to take in the Clear Creek Management Area at this time and what information you would like to see included in EPA's December 1992 public notice. EPA has received and is intending to comment on the Risk Assessment prepared by PTI Environmental Services dated September 1992.

Please provide this information by November 30, 1992, so that EPA will have the opportunity to consider and include it in its December 1992 public notice. The information should be forwarded to Richard Procunier, Remedial Project Manager, Mail Code H-6-2 at the EPA letterhead address above.

If you have any questions please call either Richard Procunier ((415) 744-2219), Laurie Williams of our Office of Regional Counsel ((415) 744-1387), or myself at ((415) 744-1730). Thank you for your prompt attention to this matter.

Sincerely,

Jeffrey Zelikson, Director
Hazardous Waste Management Division

cc: William Soohoo, Director DTSC

Project

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

June 29, 1993

Robert E. Beehler
Area Manager
Hollister Resource Area
Bureau of Land Management
20 Hamilton Court
Hollister, CA 95023

Dear Mr. Beehler:

The U.S. Environmental Protection Agency (EPA) has reviewed the **preliminary draft Environmental Impact Statement (PDEIS) for the Clear Creek Management Area Plan/RMP Amendment**, San Benito and Fresno counties, California. Our review and comments are provided per your request and pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Regulations (40 CFR Parts 1500-1508), and our authorities under §309 of the Clean Air Act.

We appreciate the opportunity to review the Clear Creek EIS at this early stage and to discuss our recommendations with you. As you know, John Wise, EPA Region 9's Acting Regional Administrator, is now scheduled to meet with BLM State Director Ed Hastey on July 12 to discuss management of the Clear Creek Management Area (CCMA) and cost recovery for the Atlas Mine Superfund Site. We are providing our comments on the EIS prior to their meeting in order that you may continue timely preparation of the EIS. Any additional recommendations or agreements that may result from the upcoming July 12 meeting will be documented separately.

EPA's Record of Decision for the Atlas Mine Superfund Operable Unit states that BLM had "indicated that it will revise its land use plan for the CCMA in order to **minimize** airborne asbestos emissions and their threat to public health represented by the asbestos in the CCMA" (emphasis added). The Record of Decision also states that EPA will evaluate whether BLM's CCMA Management Plan is adequate to protect human health and the environment and then decide whether further action under the Comprehensive Environmental Response, Compensation, and Liability Act is necessary in the CCMA.

EPA has strong objections to the preferred alternative based on the potential human health risks in the CCMA posed by exposure

to asbestos, a known human carcinogen. We do not believe that the preferred alternative minimizes airborne asbestos emissions or the associated public health risk. In addition, water quality, soils, and unique biological resources in the CCMA are degraded as a result of past human activities including mining and recreation. We urge BLM to satisfy its earlier commitment to minimize asbestos emissions and their public health threat in the CCMA by implementing **aggressive** management measures. We also recommend that measures be implemented to improve water quality, soil stability, and riparian and upland vegetation. Our specific recommendations are enclosed. Furthermore, we have identified additional information which should be included in the EIS regarding existing conditions and potential impacts to human health, air and water quality, and soil and biological resources.

Please send three copies of the Draft EIS to this office when it is officially filed with our Washington, D.C., office. If you have any questions, please contact me at (415) 744-1584, or have your staff contact Jeanne Dunn Geselbracht at (415) 744-1576.

Sincerely,

Jacqueline Wyland

Jacqueline Wyland, Chief
Office of Federal Activities

Enclosure

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NEPA Comments

1. In its discussion of purpose and need, the EIS (page 3) states that the document "proposes land management decisions to conform to EPA's concern of the public health risk to asbestos and the offsite erosion and transportation of asbestos-containing sediment." We do not believe that the preferred alternative is sufficient to satisfy our concerns regarding public health risk. Furthermore, we do not believe that it comports with BLM's earlier commitment to minimize emissions and public health risk or with Executive Order No. 11644 which requires that federal agencies manage OHV areas to preserve public health, safety, and welfare.

EPA strongly objects to the preferred alternative as it is presented in the PDEIS, based on the alternative's potential human health risks posed by exposure to asbestos in the CCMA. In our June 2, 1993, meeting in your office, EPA and BLM staff discussed specific measures to reduce emissions of and human exposures to asbestos in the CCMA. Such measures include closing the Serpentine Area of Critical Environmental Concern (ACEC) to off-highway (OHV) vehicle use during the dry season; requiring permits for riders and limiting the number of days per year one may use the area; treating roads with dust palliatives; and disseminating health and safety information on signs, permits, maps, etc. We urge BLM to include these measures in its preferred alternative as well as the following measures: close roads/trails with highly erodible/friable soils and/or high asbestos content; offer respirators to recreationists using the ACEC; require vehicle washing upon ACEC departure to reduce transport of asbestos outside of the ACEC; **effective** posting, fencing, and strict enforcement to exclude entry into closed or restricted areas. The EIS should discuss all of these measures and indicate how they would be implemented.

2. The discussion of unavoidable adverse impacts on page 29 of the PDEIS should identify the significance of the impacts. Furthermore, these impacts do not appear to be unavoidable. We believe that appropriate mitigation measures can and should be taken to reduce impacts to below a level of significance. Pursuant to 40 CFR 1502.14(f), the EIS must "[i]nclude appropriate mitigation measures not already included in the proposed action or alternatives." BLM has indicated that they believe such detailed information is not commensurate with the level of analysis that is normally presented in Resource Management Plans (RMP). Although this EIS is an amendment to the RMP, we believe that more specific activity planning and analysis

in this document are appropriate. Information regarding impacts to health and environmental resources in the CCMA as well as the anticipated effectiveness of specific measures taken to mitigate those impacts is critical for the decisionmaker to determine the appropriate alternative. Inasmuch as these measures are integral to the alternative's efficacy in protecting human health and improving environmental resources as well as its ability to provide a pleasurable recreation experience, they should be identified in the EIS. BLM should commit to these measures in the amended Resource Management Plan Record of Decision.

3. Pursuant to 40 CFR 1502.14(a), the EIS must "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." The EIS should evaluate an alternative which would close the entire ACEC to motor vehicles. In addition, the EIS should include a discussion regarding BLM's consideration of alternate OHV recreation sites and explain why alternate sites were eliminated from further consideration.

4. We understand that there is some question regarding the ultimate fate of the County roads within the CCMA. The EIS should evaluate alternatives for management of these roads should they be reverted to BLM ownership/management.

5. The June, 1992, Planning Criteria for this EIS indicates that areas outside of the Serpentine ACEC are also contaminated with asbestos, including stream sediments, landslides, and isolated serpentine rock outcrops. We recommend that BLM reconsider the boundaries of the ACEC and determine whether revisions should be made to include these other areas of concern.

Health Risk Assessment

1. The EIS needs to include a full and honest disclosure of the public health risks associated with the CCMA, including inhalation exposure to asbestos. Chapter 3 of the EIS should clearly state that there are many uncertainties in the risk assessments which have been performed for the ACEC and indicate the magnitude of risk calculated by the Berkeley researchers. It is important that the caveats be disclosed up front and their significance not be diminished by relegating them to Appendix B.

In conformance with standard practice, the uncertainties associated with estimates need to be addressed formally as part of the decisionmaking process. For example, upper confidence

limits must be calculated for each risk estimate, and risk management decisions should be based upon such upper limits.

2. The EIS should provide the specific assumptions that were used in the risk assessment, including any climatic assumptions, user intensity (number of users on an average day), the definition of the average motorcycle user. The EIS should explain that the exposure assumptions used by BLM are not consistent with guidelines used by local Air Pollution Control Districts in California which, if used, would probably result in a significant increase in risk. Furthermore, we do not believe that exposure assumptions based upon limited comments by OHV users at an EPA public meeting, are appropriate. If more reliable data are not collected regarding exposure, the EIS should include a strong caveat regarding the exposure assumptions.

3. The EIS should indicate the maximum reasonable exposure for recreationists not riding OHVs. In general, Figure 4 needs to be clarified so that all assumptions incorporated in each scenario are apparent. For example, state clearly the length of time assumed for each specific activity within a day's exposure. Use this figure to demonstrate how health risks would change under various assumptions such as eliminating camping from within the ACEC (as it is no longer permitted).

4. The EIS should specify the difference in assumptions used in Alternatives 1 and 2 (excess cancer risk = 5 in 100,000) as compared to Alternatives 3 through 6 (excess cancer risk = 2 in 100,000).

5. The EIS should discuss each alternative's potential health effects on children using the area, who have a much higher risk of developing mesothelioma. Even limited exposure to asbestos during childhood can result in mesothelioma in adults.

6. The risk assessment should address the continuing offsite exposure to individuals who visit the CCMA and their families from asbestos dust carried offsite on clothing and vehicles.

7. The EIS should discuss the anticipated effectiveness of additional measures that would be included in the preferred alternative to reduce emissions of and human exposure to asbestos. Anticipated changes in use intensity should also be considered. For example, if use intensity increases with a smaller open area, would exposure increase?

8. The EIS should attach the complete risk assessment as an appendix with all the assumptions, considerations, and uncertainties. This should include, for example, considerations of the different risks associated with inhalation of asbestos fibers of differing size and shape.

9. BLM should conduct effective monitoring that relates to the risks associated with asbestos using a method that incorporates appropriate counting rules (i.e., interim Superfund method or ISO method) and analysis by TEM. However, as suggested by the risk assessment for the area, it may be possible to derive a significant correlation between appropriate TEM measurements and PCM measurements for this unique area so that the less expensive method may be used for a subset of sample analysis. It is possible that such correlations may vary from location to location within the CCMA so that separate correlations would have to be established for different areas. If monitoring is to be performed using an appropriate TEM method, establishing correlations would be unnecessary.

Air Quality

1. Pursuant to §176(c) of the Clean Air Act, all federal agencies have an affirmative responsibility to assure that their activities conform to the applicable implementation plan as approved for the area. Pursuant to §176(c), conformity to an implementation plan means:

> "conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieving expeditious attainment of such standards; and
>
> "that such activities will not (i) cause or contribute to any new violation of any standard in any area; (ii) increase the frequency or severity of any existing violation of any standard in any area; or (iii) delay timely attainment of any standards or any required interim emission reductions or other milestones in any area."

Furthermore, on March 15, 1993, EPA published a proposed rule in the Federal Register on "Determining Conformity of General Federal Actions to State or Federal Implementation Plans." The proposed rule applies to federal activities not related to transportation plans, programs, and projects and which affect non-attainment or maintenance areas. (There is a separately proposed rule for transportation projects). Please be

advised that these are only proposed regulations and represent the views of EPA at this time. These regulations may change and the methodologies proposed may, in fact, be different when the final regulations are promulgated.

The EIS should acknowledge the specific requirements of §176(c) of the federal Clean Air Act and the proposed rule and discuss how these requirements would be met. Specifically:

a. The Clear Creek Management Area is located partially within Fresno County and the San Joaquin Valley which has been federally designated as a serious non-attainment area for both PM10 (particulates smaller than ten microns) and ozone; and partially within San Benito County, which is a moderate non-attainment area for ozone. With respect to amounts of ozone and PM10 emissions resulting from the proposed alternative, we refer you to §51.853 of the proposed regulations to determine if the direct and indirect emissions of air pollutants exceed proposed de minimus thresholds.

b. According to page 92, under the preferred alternative, "the impact of roads and hillclimbs is estimated to contribute about 8,640 tons of sediment per year, primarily in the Clear Creek watershed." The EIS should estimate annual PM10 emissions to air that could result from each alternative. Under the proposed regulations, if project emissions would exceed de minimus thresholds, federal agencies would need to make a conformity determination for the proposed project. If the non-transportation conformity regulations become final before BLM signs its Record of Decision, you may need to make a conformity determination.

With regard to areas without approved State Implementation Plan (SIP) revisions since 1990, we refer you to the proposed methodology of §51.858 to determine conformity in these areas. BLM should consult with the San Joaquin Valley Unified Air Pollution Control District (APCD).

c. We anticipate that, pursuant to Clean Air Act §189(b)(1)(b) proposed EPA regulations will be issued soon. In this section, best available control measures will be required for any significant PM10 source in serious non-attainment areas. Sources that contribute greater than $1\mu g/m^3$ for the annual standard or $5\mu g/m^3$ for the 24-hour standard would be considered significant sources. BLM should determine whether the ACEC would be a significant source of PM10 and, if so, consult with the APCD when these regulations are issued to develop best available control

measures. The EIS should include a discussion of best available control measures for this activity.

c. The PDEIS states that "other common automotive emissions will not be discussed because asbestos, a known human carcinogen, is considered a more serious public health risk" (page 35). This is not a sufficient reason for omitting analysis of emissions of other pollutants, particularly in air basins that are designated as non-attainment for any pollutant. In light of the ozone non-attainment status of both San Benito and Fresno counties, the EIS should discuss conformity with respect to ozone.

2. One mitigation measure that should be added to the preferred alternative is seasonal closure of the ACEC to OHV use. Presumably, this would significantly reduce the amount of fugitive dust released in the CCMA. The EIS should project PM10 emissions in the CCMA during the closed season and discuss whether OHV activity during the open season would affect the soil's vulnerability/availability to wind during the closed season.

3. Pursuant to Executive Order No. 11644, BLM is required to monitor the effects of use of OHVs on lands under its jurisdiction. BLM should routinely monitor air quality in the CCMA in order to determine whether management measures are adequate. Executive Order No. 11644 also states, "[o]n the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order...."

4. Pursuant to the National Emission Standards for Hazardous Air Pollutants (NESHAPs), standard for roadways at 40 CFR 61.143, "[n]o person may construct or maintain a roadway with asbestos tailings or asbestos-containing waste material, unless...it is encapsulated in asphalt concrete...." The EIS should indicate whether any of the roadways it maintains in the CCMA contains asbestos tailings or waste from any asbestos mining activity and, if so, what measures would be implemented to ensure compliance with the NESHAP.

Watershed Impacts and Water Quality

1. Pursuant to §319 of the Clean Water Act (CWA), states have the lead role in identifying and controlling nonpoint sources of pollution. In California, the State Water Resources Control Board (SWRCB) has been designated as the lead agency for implementation of the §319 Nonpoint Source Management Program. Pursuant to CWA §319(b), SWRCB prepared a State Nonpoint Source

Management Program (SMP), which was approved by USEPA in January, 1989. Under the CWA, federal programs and activities are subject to the federal consistency review requirements of CWA §319(b)(2)(F) and §319(k). These sections require federal agencies to submit specific assistance programs and development projects to the lead state nonpoint source agency (SWRCB) for review for consistency with California's SMP.

2. It is BLM's responsibility to implement appropriate Best Management Practices (BMPs) to enable full protection of beneficial uses of surface waters, attainment of surface water quality standards, and compliance with the Federal Antidegradation Policy (40 CFR 131.12).

The FEIS should specify what BMPs and nonpoint source pollution control measures would be utilized to assure water quality protection as well as how and when these measures would be implemented and monitored for effectiveness. The FEIS should also describe how BMPs, standards and guidelines, and other measures designed to minimize water quality impacts from BLM activities would ensure compliance with the Antidegradation Policy. BLM should coordinate with SWRCB and the Central Coast and Central Valley Regional Water Quality Control Boards (Regional Boards) to develop BMP implementation and monitoring procedures. In addition, we recommend that BLM refer to USEPA Guidance Specifying Management Measures for Nonpoint Pollution in Coastal Waters (May, 1991), which addresses the latest available technology for management measures to control nonpoint sources.

3. Pursuant to the Federal Antidegradation Policy, existing instream water uses and water quality necessary to protect the existing beneficial uses shall be maintained and protected. Furthermore, where quality of waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected. The FEIS should identify (1) the designated beneficial uses for water bodies on in the CCMA; and (2) any waters within the planning area classified as "high quality." This information, which will facilitate in establishing a baseline for BLM management, can be obtained from the Regional Boards through their Water Quality Assessment Report and individual water quality control plans.

4. Pursuant to Executive Order No. 11644, BLM is required to monitor the effects of the use of OHVs on lands under its jurisdiction. We urge BLM to establish a water quality monitoring program in order to protect and maintain beneficial uses in the CCMA. In addition, we recommend that riparian areas

such as the Clear Creek riparian zone be monitored for any adverse impacts to their physical and biological integrity.

BLM should consult with the Regional Boards in the design of the monitoring program for surface waters. BLM should conduct a baseline water quality assessment and include the results in the EIS. This information is important for the development, analysis and selection of measures to adequately protect and/or enhance water quality. Parameters may include, among others, nutrients, total dissolved solids, and total suspended solids. In addition, monitored parameters should reflect the conditions of riparian habitats and fisheries. BLM should also carry out bioassessments in surface waters that are potentially affected by nonpoint sources. Bioassessments are particularly valuable in detecting effects of nonpoint sources of pollution including sediment loadings. Data collected should be entered into USEPA's STORET database to facilitate sharing data with other water quality managing agencies. We recommend that BLM enter biological data collected into STORET's BIOS database. We urge BLM to commit to implementing a water quality monitoring program in the EIS and the Record of Decision for the CCMA.

5. Under the preferred alternative, the reduction in open roads and hillclimbs would decrease human disturbance by approximately 71 percent (p.92). The EIS should discuss how this figure was calculated. BLM should ensure that assumptions such as existing intensity of use for each area, season of use, and expected increases or decreases in use intensity have been appropriately factored into watershed models.

6. Aside from OHV restrictions, the only "watershed stabilization improvements" included in the preferred alternative would be controls constructed within the water courses (check dams, stream armoring). These are positive measures which should serve to check headcutting and streambank erosion. However, they would not improve or stabilize highly erodible soils on slopes, roads and trails that have been denuded of vegetation. Moreover, the preferred alternative allows for hillclimbs in several stream courses. We note that the Clear Creek OHV Feasibility Study Phase Two Report September (1991) states that stream "crossings should be fenced to prevent unauthorized travel along the riparian areas" (page 26). Furthermore, Executive Order No. 11644 provides that off-road vehicle "[a]reas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands."

We urge BLM to **effectively** close all stream courses to OHV use and implement other erosion control practices to stabilize

soils on all affected areas of the watersheds by reestablishing native and endemic riparian and upland vegetation. In order to successfully revegetate these sensitive areas, BLM will need to take careful steps to properly prepare the surface, temporarily diverting runoff away from areas to be treated, then mulch/mat and seed. On steep slopes and in areas that will take a long time for vegetation to reestablish, multiple mulching treatments should be used.

7. According to the PDEIS, OHV restrictions in the Clear Creek riparian area and San Benito Natural Area are commonly violated by motorcyclists (p. 62). The EIS should discuss how roads, trails, and hillclimbs to be closed under the various alternatives would **effectively** exclude OHV use. The EIS should discuss specific measures, including their expected effectiveness and benefits to nonpoint source pollution control. The EIS should also discuss enforcement procedures, monitoring, and contingency measures should the exclusion measures fail. BLM should work with the California Regional Water Quality Control Board, Central Coast and Central Valley regions, to develop these measures.

8. According to page 29 of the PDEIS, under the preferred alternative surface water quality would be slightly affected by increases in sedimentation. Are these increases over current (no action) sedimentation rates? This appears inconsistent with statements elsewhere in the document that the preferred alternative would reduce sediment yield by 71 percent.

9. The preferred alternative would protect Spanish Lake and two adjacent vernal pools. The EIS should indicate whether there are other vernal pools in the area that would remain unprotected and vulnerable to degradation. We urge BLM to close vehicle access to all vernal pools and waters of the U.S. Executive Order No. 11990 requires that each federal agency "take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities...."

10. The graphics on pages 49-50 of the PDEIS have no units. The EIS should include units.

Biological Resources

1. We understand that the U.S. Fish and Wildlife Service has recently conducted formal consultation with BLM pursuant to Endangered Species Act §7 for the San Benito evening primrose.

The EIS should include the biological opinion and discuss the recovery plan which is scheduled to be finalized this year.

2. Segments of the riparian zone and other areas (e.g., hillclimbs) in the CCMA are denuded and devoid of vegetation. In some areas soil has been completely stripped down to bedrock. Twenty-seven serpentine endemic plant species, with varying degrees of rarity, are located on the CCMA. Pursuant to section 101 of NEPA, federal agencies are responsible for conservation of biodiversity. The EIS should discuss remedial measures that BLM would take in order to reestablish vegetation in the riparian zone and on closed trails, hillclimbs and other areas that have been denuded from past activities in CCMA.

3. The EIS should describe the existing condition of the Clear Creek riparian zone, the effect that its juxtaposition with the County road has, and what effect current BLM management has on the overall health of the riparian zone. The EIS should give specific baseline information regarding species composition and density. The EIS should also discuss specific mitigation measures that BLM will implement to restore the Clear Creek riparian zone, success criteria for restoration, and effectiveness monitoring measures.

Roads and Trails

1. It is unclear from the PDEIS and maps what criteria were used to determine which roads and trails would remain open under the each alternative. Executive Order No.11644 requires OHV trails to be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands. We urge BLM to consider impacts to resources, including riparian habitat, water quality, endemic species populations, and soil conditions, in addition to public health (e.g., closing trails with highly erodible/friable soils or soils containing high amounts of asbestos), when determining the fate of specific roads and trails.

2. The maps for alternatives 1, 2, and 3 depict the unimproved roads and trails on the private land surrounding the CCMA, but the maps for alternatives 4, 5, and 6 do not. This omission on the maps for alternatives 4, 5, and 6 might give the false impression to readers that these alternatives would affect the existence of roads and trails on private land. The maps should be consistent.

3. The EIS should discuss the nonpoint source pollution control measures that BLM will implement at staging areas to prevent

erosion and runoff of sediment and other pollutants into Clear Creek.

4. The PDEIS (P. 23) indicates that, under the preferred alternative, secondary routes would be opened seasonally and maintained to reduce erosion. The EIS should clarify the seasonal management of these roads and specify the kind of maintenance that would be conducted by BLM.

5. The maps for each alternative are confusing because of their use of the restricted "B" and closed "C" designations. The EIS should clarify the distinction between restricted "B" OHV designation and closed "C" OHV designation. It is our understanding of this designation system that, strictly speaking, the CCMA has no closed "C" areas. We recommend that the maps be revised accordingly. The Natural Area should be delineated for easy recognition (even if it is not a closed "C" area), and the maps should depict the system of roads to be treated with dust palliatives under each alternative.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, Ca. 94105-3901

February 15, 1994

Robert E. Beehler
Area Manager
Hollister Resource Area
Bureau of Land Management
20 Hamilton Court
Hollister, CA 95023

Dear Mr. Beehler:

The U.S. Environmental Protection Agency (EPA) has reviewed the **Draft Environmental Impact Statement (DEIS) for the Clear Creek Management Area Plan/RMP Amendment**, San Benito and Fresno counties, California. Our review and comments are provided per your request and pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Regulations (40 CFR Parts 1500-1508), and our authorities under §309 of the Clean Air Act.

The DEIS evaluates alternatives for managing natural and recreational resources within the Clear Creek Management Area (CCMA). The preferred alternative includes dry condition/ seasonal road closure in the CCMA; an enhanced public asbestos hazard information program; a vehicle decontamination facility; watershed improvement projects; increased road/trail restrictions; protection of the San Benito Evening Primrose populations in the CCMA; and expansion of the San Benito Mountain Natural Area.

EPA's Record of Decision for the Atlas Mine Superfund Operable Unit states that BLM had "indicated that it will revise its land use plan for the CCMA in order to **minimize** airborne asbestos emissions and their threat to public health represented by the asbestos in the CCMA" (emphasis added). The Record of Decision also states that EPA will evaluate whether BLM's CCMA Management Plan is adequate to protect human health and the environment and then decide whether further action under the Comprehensive Environmental Response, Compensation, and Liability Act is necessary in the CCMA.

EPA objects to the preferred alternative based on the potential human health risks in the CCMA posed by exposure to asbestos, a known human carcinogen. We do not believe that the preferred alternative minimizes airborne asbestos emissions or

the associated public health risk. In addition, water quality, soils, and unique biological resources in the CCMA are degraded as a result of past and current human activities including mining and recreation.

Last April, BLM requested EPA's input on the Preliminary DEIS. EPA and BLM staff and managers met to discuss specific issues regarding the preferred alternative and information in the Preliminary DEIS. Moreover, EPA Deputy Regional Administrator John Wise and BLM State Director Ed Hastey met to discuss management of the CCMA and cost recovery for the Atlas Mine Superfund Site. In a June 29, 1993, letter, EPA provided you with extensive and specific comments on the Preliminary DEIS. We expressed objections to the preferred alternative based on the potential human health risks posed by exposure to asbestos in the CCMA, as well as impacts to water quality, soils, and unique biological resources. We recommended that the DEIS include additional information regarding existing conditions and potential impacts to human health, air and water quality, and soil and biological resources, and discuss **effective** mitigation, enforcement, and monitoring that BLM would implement in order to ensure the appropriate level of protection of human health and natural resources in the CCMA.

For example, we submitted extensive comments regarding health risks, none of which were addressed in the DEIS. We also recommended that the EIS address in greater detail such issues as how the County roads and CCMA trails would be effectively closed during dry conditions; public health risk education and health risk reduction through additional mitigation measures; and nonpoint source water quality control measures to improve the degraded watershed, including riparian areas. It appears that most of our comments and recommendations were not addressed, and the DEIS is very little changed from the Preliminary DEIS.

We urge BLM to satisfy its earlier commitment to minimize asbestos emissions and their public health threat in the CCMA by implementing **aggressive** management measures. We also recommend that measures be implemented to improve water quality, soil stability, and riparian and upland vegetation. Our specific recommendations are enclosed.

Furthermore, we have identified additional information which should be included in the final environmental impact statement (FEIS) regarding existing conditions and potential impacts to human health, air and water quality, and soil and biological resources. Our specific comments regarding necessary additional information are enclosed.

Based on our objections to the proposed management plan and the need for additional information in the FEIS, we have rated this DEIS as EO-2 -- Environmental Objections-Insufficient

Information. Please see the enclosed "Summary of Rating Definitions and Follow-Up Actions."

We are scheduled to meet with your staff on February 23 to discuss some of these issues. We trust that the FEIS will respond in full to our enclosed comments. Please send two copies of the FEIS to this office when it is officially filed with our Washington, D.C., office. If you have any questions, please contact me at (415) 744-1584, or have your staff contact Jeanne Geselbracht at (415) 744-1576.

Sincerely,

Jacqueline Wyland

Jacqueline Wyland, Chief
Office of Federal Activities

Enclosures

001426/93-457
filename: CLEARCK.DEI

cc: Monterey Bay Unified Air Pollution Control District
San Joaquin Valley Unified Air Pollution Control District
Regional Water Quality Control Board-Central Coast Region
Regional Water Quality Control Board-Central Valley Region
California Dept. of Toxic Substances Control

General Comments

1. The preferred alternative does not satisfy EPA's concerns regarding public health risk. Furthermore, we do not believe that it comports with BLM's earlier commitment to minimize emissions and public health risk or with Executive Order No. 11644 which requires that federal agencies manage off-highway vehicle (OHV) areas to preserve public health, safety, and welfare. We urge BLM to adopt additonal measures to reduce airborne asbestos emissions and their threat to public health in the CCMA.

2. The discussion of unavoidable adverse impacts on page 29 of the DEIS should identify the significance of the impacts. Furthermore, these impacts do not appear to be unavoidable. We believe that appropriate mitigation measures can and should be taken to reduce impacts to below a level of significance. Pursuant to 40 CFR 1502.14(f), the EIS must "[i]nclude appropriate mitigation measures not already included in the proposed action or alternatives." BLM has indicated that they believe such detailed information is not commensurate with the level of analysis that is normally presented in Resource Management Plans (RMP). Although this EIS is an amendment to the RMP, we believe that more specific activity planning and analysis in this document are appropriate. Information regarding impacts to health and environmental resources in the CCMA as well as the anticipated effectiveness of specific measures taken to mitigate those impacts is critical for the decisionmaker to determine the appropriate alternative. Inasmuch as these measures are integral to the alternative's efficacy in protecting human health and improving environmental resources as well as its ability to provide a pleasurable recreation experience, they should be identified in the EIS. BLM should commit to these measures in the amended Resource Management Plan Record of Decision.

3. Pursuant to 40 CFR 1502.14(a), the EIS must "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." We believe the EIS should evaluate an alternative which would close the entire ACEC to motor vehicles. In addition, the EIS should include a discussion regarding BLM's consideration of alternate OHV recreation sites and explain why alternate sites were eliminated from further consideration.

4. We understand that there is some question regarding the ultimate fate of the County roads within the CCMA. The EIS

should evaluate alternatives for management of these roads should they be reverted to BLM ownership/management.

5. The June, 1992, Planning Criteria for this EIS indicates that areas outside of the Serpentine ACEC are also contaminated with asbestos, including stream sediments, landslides, and isolated serpentine rock outcrops. We recommend that BLM reconsider the boundaries of the ACEC and determine whether revisions should be made to include these other areas of concern.

6. The EIS should provide more detailed information on the user education/awareness program that would be implemented under the preferred alternative. We understand that a volunteer policing program staffed by off-road vehicle users is under consideration as part of this program. The FEIS should discuss this and other measures that could be used to warn users of the health hazards, educate users regarding restrictions and the reasons for those restrictions, and enforce user restrictions.

7. The EIS should discuss the enforcement measures that would be used to ensure protection of natural resources such as water quality and vegetation in the CCMA.

8. We recommend that BLM consider additional mitigation measures to reduce exposure to asbestos in the CCMA, such as requiring permits for riders and limiting the number of days per year one may use the area.

Health Risk Assessment

We recommend that the EIS provide a much more detailed summary of the risk assessment with all the assumptions, considerations, and uncertainties. Our specific comments follow.

1. The EIS needs to include a full and honest disclosure of the public health risks associated with the CCMA, including inhalation exposure to asbestos. Chapter 3 of the EIS should clearly state that there are many uncertainties in the risk assessments which have been performed for the ACEC and indicate the magnitude of risk calculated by the Berkeley researchers. It is important that the caveats be disclosed up front and their significance not be diminished by relegating them to Appendix B. Our specific comments regarding uncertainties are as follows:

a. In conformance with standard practice, the uncertainties associated with estimates need to be addressed formally as part of the decisionmaking process. For example, upper confidence

limits must be calculated for each risk estimate, and risk management decisions should be based upon such upper limits.

b. For assessing site specific risks, the acceptable risk range is generally applied to upper bound estimates of risk, not the most probable estimates of risk. The DEIS (p. 40) presents estimates of risk that may not be true upper bound estimates and does not even discuss the range of uncertainty associated with the risk estimates. Therefore, the EIS should discuss EPA's range of acceptable risks with proper caveats.

c. Although the DEIS (p. 40) presents some of the sources of uncertainty associated with applying the numbers presented in Table 3, it ignores many of the other sources discussed in detail during the development of the risk assessment document. These include, but are not necessarily limited to, questions concerning the extrapolation of phase contrast microscopy (PCM) data to transmission electron microscopy (TEM) data, the reconciliation of BLM measurements with measurements from the Cooper, *et al.*, and Popendorf and Wenk studies, the uncertainty in the slope factor employed in the calculations, and the uncertainty in the manner in which the slope factor employed in the calculations was applied to the measurements. The discussion on page 40 is misleading in suggesting that the degree of uncertainty associated with the risk estimates is limited to differences in personal habits and is therefore relatively small.

d. Without indicating the degree of uncertainty associated with the estimates of risk presented in Table 3 (p. 41), this table falsely suggests that these estimates of risk are known with certainty.

e. It is unclear what is meant by the cancer risk being 5 in 100,000 or 2 in 100,000. The uncertainty of these numbers could vary by orders of magnitude (e.g., from 5 in 10,000,000 to 5 in 1,000). This should be reflected properly in the EIS. It is unclear whether the numbers derived from the Cooper *et al.* and Popendorf and Wenk studies were considered. Those numbers were quite a bit higher than the numbers derived from the BLM data.

2. The EIS should provide the specific assumptions that were used in the risk assessment, including any climatic assumptions, user intensity (number of users on an average day) and the definition of the average motorcycle user. The EIS should explain that the exposure assumptions used by BLM are not consistent with guidelines used by local Air Pollution Control Districts in California which, if used, would probably result in a significant increase in risk. Furthermore, we do not believe

that exposure assumptions based upon limited comments by OHV users at an EPA public meeting, are appropriate. If more reliable data are not collected regarding exposure, the EIS should include a strong caveat regarding the exposure assumptions.

In addition, it does not appear that some important exposure differences were taken into account. Examples include potential differences in exposure among the various trails and hill climbs and increased frequency of use with a larger number of off-highway vehicle users in a smaller area. Also, when discussing the dose of asbestos, the EIS should indicate the size distribution and along with the number of fibers inhaled. Dose estimates that do not take into account the distribution of structure sizes cannot be used to predict risk.

3. The preferred alternative would include dry/high dust seasonal closure of the CCMA to off-road vehicles based on OSHA standards. It is unclear how the standards would be applied. Would recreationists be required to wear personal asbestos monitors? Would the CCMA be closed only when **background** levels exceed the standard? Personal monitors would be the only way to determine personal exposure, to which OSHA standards apply. If the CCMA would be closed only when **background** levels exceed the OSHA standard, off-highway vehicle users could be exposed to asbestos concentrations much higher than the standard on days when background levels are lower than the standard. The EIS should discuss how asbestos levels would be monitored and describe the measures that would be implemented to ensure that riders are not exposed to asbestos levels exceeding the intended standard. The EIS should also acknowledge that there are no OSHA standards for "public health and safety" (DEIS, p. 38). OSHA standards apply to occupational settings. Appropriate limits for non-occupational exposures (e.g., at Superfund sites) are generally set based on site-specific risk considerations and are generally stricter than OSHA limits because they account for inclusion of children and the elderly in the exposed population.

4. The DEIS refers to chrysotile as the "short-fiber" type of asbestos. However, chrysotile asbestos is not necessarily short fiber asbestos and it is not generally referred to as such. It is unclear that there are necessarily differences in the cancer potency of the various types of asbestos, as long as one properly accounts for size and shape when quantifying exposure.

5. The EIS should indicate the maximum reasonable exposure for recreationists not riding OHVs. In general, Figure 1 (Appendix B) needs to be clarified so that all assumptions incorporated in

each scenario are apparent. For example, state clearly the length of time assumed for each specific activity within a day's exposure.

6. The EIS should discuss each alternative's potential health effects on children using the area, who have a much higher risk of developing mesothelioma. Even limited exposure to asbestos during childhood can result in mesothelioma in adults.

7. The risk assessment should address the continuing offsite exposure to individuals who visit the CCMA and their families from asbestos dust carried offsite on clothing and vehicles.

8. The EIS should discuss the anticipated effectiveness of additional measures that would be included in the preferred alternative to reduce emissions of and human exposure to asbestos. Anticipated changes in use intensity should also be considered. For example, if use intensity increases with a smaller open area, would exposure increase?

9. Regarding cancer risk to smokers (Appendix B, p. 2), the relative risk to asbestos-exposed smokers are not fixed but vary with many factors associated with the degree of smoking and the level and type of exposure in any particular environment.

10. The estimate of risk to mining and milling of chrysotile comes from the multiple studies conducted at mines in one area of Quebec. Although exposures associated with mining and milling of chrysotile may be more like the types of exposures that occur at Clear Creek than exposure in some of the other work environments and with some of the other fiber types whose slope factors also contribute to the EPA unit risk factor (URF), other confounding factors may also affect relative potency. For example, differences in the size distribution of fibers from Quebec and Clear Creek may result in a totally different relative risk associated with exposure in the two areas. Also, differences in the ratio of PCM measured asbestos concentrations to concentrations of the specific asbestos structures that relate to risk at the Quebec mines and at Clear Creek may limit the degree to which the slope factor derived from the mining studies relate to Clear Creek exposures. Thus, assuming that use of the EPA URF results in an overestimate of risk of between seven and 200, the EIS may be misleading; the actual error introduced by this factor may be smaller or larger.

11. The factor of 50 quoted on page 4 of Appendix B for the uncertainty associated with using the URF from EPA with the exposure estimates derived from the exposure study presented in

this appendix is probably small. It may be closer to a factor of 100 to 1,000, and it may go in either direction, based on new information (Wayne Berman, personal communication). This factor should properly be taken into account in deriving upper bound estimates to risk.

12. BLM should conduct effective monitoring that relates to the risks associated with asbestos using a method that incorporates appropriate counting rules (i.e., interim Superfund method or ISO method) and analysis by TEM. However, as suggested by the risk assessment for the area, it may be possible to derive a significant correlation between appropriate TEM measurements and PCM measurements for this unique area so that the less expensive method may be used for a subset of sample analysis. It is possible that such correlations may vary from location to location within the CCMA so that separate correlations would have to be established for different areas. If monitoring is to be performed using an appropriate TEM method, establishing correlations would be unnecessary.

Air Quality

1. Pursuant to §176(c) of the Clean Air Act, all federal agencies have an affirmative responsibility to assure that their activities conform to the applicable implementation plan as approved for the area. On November 30, 1993, EPA published a Final Rule in the Federal Register on "Determining Conformity of General Federal Actions to State or Federal Implementation Plans." The final rule applies to federal (non-transportation) activities which affect non-attainment or maintenance areas. The Clear Creek Management Area is located partially within Fresno County and the San Joaquin Valley which has been federally designated as a serious non-attainment area for both PM10 (particulates smaller than ten microns) and ozone; and partially within San Benito County, which is a moderate non-attainment area for ozone. It appears that the requirements of the Final Rule on general conformity do not apply to the proposed action (see applicability discussion, specifically §93.153(c)(2)(ii), of the rule). The BLM should nonetheless make its own determination as to whether the proposed action is indeed exempt from the conformity requirements and address this issue in the EIS.

2. According to page 92, under the preferred alternative, "the impact of roads and hillclimbs is estimated to contribute about 8,640 tons of sediment per year, primarily in the Clear Creek watershed." The EIS should estimate annual PM10 emissions to air that could result from each alternative.

3. The DEIS states that "other common automotive emissions will not be discussed because asbestos, a known human carcinogen, is considered a more serious public health risk" (page 36). This is not a sufficient reason for omitting analysis of emissions of other pollutants, particularly in air basins that are designated as non-attainment for any pollutant. In light of the ozone non-attainment status of both San Benito and Fresno counties, the EIS should identify the ozone-related air quality impacts that would result from the preferred alternative.

4. Pursuant to Executive Order No. 11644, BLM is required to monitor the effects of use of OHVs on lands under its jurisdiction. BLM should routinely monitor air quality in the CCMA in order to determine whether management measures are adequate. Executive Order No. 11644 also states, "[o]n the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order...."

5. Pursuant to the National Emission Standards for Hazardous Air Pollutants (NESHAPs), standard for roadways at 40 CFR 61.143, "[n]o person may construct or maintain a roadway with asbestos tailings or asbestos-containing waste material, unless...it is encapsulated in asphalt concrete...." The EIS should indicate whether any of the roadways it maintains in the CCMA contains asbestos tailings or waste from any asbestos mining activity and, if so, what measures would be implemented to ensure compliance with the NESHAP.

Watershed Impacts and Water Quality

1. Pursuant to §319 of the Clean Water Act (CWA), states have the lead role in identifying and controlling nonpoint sources of pollution. In California, the State Water Resources Control Board (SWRCB) has been designated as the lead agency for implementation of the §319 Nonpoint Source Management Program. Pursuant to CWA §319(b), SWRCB prepared a State Nonpoint Source Management Program (SMP), which was approved by USEPA in January, 1989. Under the CWA, federal programs and activities are subject to the federal consistency review requirements of CWA §319(b)(2)(F) and §319(k). These sections require federal agencies to submit specific assistance programs and development projects to the lead state nonpoint source agency (SWRCB) for review for consistency with California's SMP.

2. It is BLM's responsibility to implement appropriate Best Management Practices (BMPs) to enable full protection of beneficial uses of surface waters, attainment of surface water

quality standards, and compliance with the Federal Antidegradation Policy (40 CFR 131.12).

The EIS should specify what BMPs and nonpoint source pollution control measures would be utilized to assure water quality protection as well as how and when these measures would be implemented and monitored for implementation, effectiveness, and validation. The FEIS should also describe how BMPs, standards and guidelines, and other measures designed to minimize water quality impacts from BLM activities would ensure compliance with the Antidegradation Policy. The EIS should discuss how BMPs in the 1984 CCMA Watershed Management Guidance have been implemented, how successful they have been, and whether revisions need to be made to this Guidance. BLM should coordinate with SWRCB and the Central Coast and Central Valley Regional Water Quality Control Boards (Regional Boards) to develop BMP implementation and monitoring procedures. In addition, we recommend that BLM refer to USEPA Guidance Specifying Management Measures for Nonpoint Pollution in Coastal Waters (May, 1991), which addresses the latest available technology for management measures to control nonpoint sources.

3. Pursuant to the Federal Antidegradation Policy, existing instream water uses and water quality necessary to protect the existing beneficial uses shall be maintained and protected. Furthermore, where quality of waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected. The FEIS should identify (1) the designated beneficial uses for water bodies on in the CCMA; and (2) any waters within the planning area classified as "high quality." This information, which will facilitate in establishing a baseline for BLM management, can be obtained from the Regional Boards through their Water Quality Assessment Report and individual water quality control plans.

4. Pursuant to Executive Order No. 11644, BLM is required to monitor the effects of the use of OHVs on lands under its jurisdiction. Furthermore, pursuant to 1505.2(c), the Record of Decision must include a summary of the monitoring and enforcement program where applicable for any mitigation. Therefore, it would be appropriate for the FEIS to include a more detailed description of the water quality monitoring that will be conducted in the CCMA. In addition, we recommend that riparian areas be monitored for any adverse impacts to their physical and biological integrity. The EIS should identify parameters to be monitored, specific standards or goals to be met, action levels, and actions if thresholds are exceeded.

In addition, monitored parameters should reflect the conditions of riparian habitats and fisheries. BLM should also carry out bioassessments in surface waters. Bioassessments are particularly valuable in detecting effects of nonpoint sources of pollution including sediment loadings. Data collected should be entered into USEPA's STORET database to facilitate sharing data with other water quality managing agencies. We recommend that BLM enter biological data collected into STORET's BIOS database. We urge BLM to commit to implementing a water quality monitoring program in the EIS and the Record of Decision for the CCMA.

5. BLM should conduct a baseline water quality assessment and include the results in the EIS. If data are available from the U.S. Geological Survey monitoring station, they should be included in the EIS. This information is important for the development, analysis and selection of measures to adequately protect and/or enhance water quality.

6. Under the preferred alternative, the reduction in open roads and hillclimbs would decrease human disturbance by approximately 71 percent (p.93). The EIS should discuss how this figure was calculated. BLM should ensure that assumptions such as existing intensity of use for each area, season of use, and expected increases or decreases in use intensity have been appropriately factored into watershed models.

7. Aside from OHV restrictions, the only "watershed stabilization improvements" included in the preferred alternative would be controls constructed within the water courses (check dams, stream armoring). These are positive measures which should serve to check headcutting and streambank erosion. However, they would not improve or stabilize highly erodible soils on slopes, roads and trails that have been denuded of vegetation. Moreover, the preferred alternative allows for hillclimbs in several stream courses. We note that the Clear Creek OHV Feasibility Study Phase Two Report September (1991) states that stream "crossings should be fenced to prevent unauthorized travel along the riparian areas" (page 26). Furthermore, Executive Order No. 11644 provides that off-road vehicle "[a]reas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands."

We urge BLM to **effectively** close all stream courses to OHV use and implement other erosion control practices to stabilize soils on all affected areas of the watersheds by reestablishing native and endemic riparian and upland vegetation.

8. According to the BLM, OHV restrictions in the Clear Creek riparian area and San Benito Natural Area are commonly violated by motorcyclists. The EIS should discuss how roads, trails, and hillclimbs to be closed under the various alternatives would **effectively** exclude OHV use. The EIS should discuss specific measures, including their expected effectiveness and benefits to nonpoint source pollution control. The EIS should also discuss enforcement procedures, monitoring, and contingency measures should the exclusion measures fail. BLM should work with the California Regional Water Quality Control Board, Central Coast and Central Valley regions, to develop these measures.

9. According to page 29 of the DEIS, under the preferred alternative surface water quality would be affected by increases in sedimentation. Are these increases over current (no action) sedimentation rates? This appears inconsistent with statements elsewhere in the document that the preferred alternative would reduce sediment yield by 71 percent.

Biological Resources

1. We understand that the U.S. Fish and Wildlife Service has recently conducted formal consultation with BLM pursuant to Endangered Species Act §7 for the San Benito evening primrose. The EIS should include the biological opinion and discuss the recovery plan which is scheduled to be finalized this year.

2. Segments of the riparian zone and other areas (e.g., hillclimbs) in the CCMA are denuded and devoid of vegetation. In some areas soil has been completely stripped down to bedrock. Twenty-seven serpentine endemic plant species, with varying degrees of rarity, are located on the CCMA. Pursuant to section 101 of NEPA, federal agencies are responsible for conservation of biodiversity. The EIS should discuss remedial measures that BLM would take in order to reestablish vegetation in the riparian zone and on closed trails, hillclimbs and other areas that have been denuded from past activities in CCMA.

3. The EIS should describe the existing condition of the Clear Creek riparian zone, the effect that its juxtaposition with the County road has, and what effect current BLM management has on the overall health of the riparian zone. The EIS should give specific baseline information regarding species composition and density. The EIS should also discuss specific mitigation measures that BLM will implement to restore the Clear Creek riparian zone, success criteria for restoration, and effectiveness monitoring measures.

Roads and Trails

1. Executive Order No.11644 requires OHV trails to be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands. We urge BLM to consider impacts to resources, including riparian habitat, water quality, endemic species populations, and soil conditions, in addition to public health (e.g., closing trails with highly erodible/friable soils or soils containing high amounts of asbestos), when determining the fate of specific roads and trails.

2. The EIS should discuss the nonpoint source pollution control measures that BLM will implement at staging areas to prevent erosion and runoff of sediment and other pollutants into Clear Creek.

3. The EIS should clarify what the seasonal (or dry period) closure of roads in the CCMA would entail, describe how such closure would be enforced, and specify the kind of maintenance that would be conducted by BLM.

Reading file

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, Ca. 94105-3901

July 8, 1994

Robert E. Beehler
Hollister Area Manager
Bureau of Land Management
20 Hamilton Court
Hollister, CA 95023

Dear Mr. Beehler:

With this letter, I am following up on actions that the U.S. Environmental Protection Agency (EPA) agreed to at the March 9, 1994, meeting between you and EPA regarding the Clear Creek Management Area (CCMA). The purpose of that meeting, requested by BLM, was to discuss and clarify issues raised in EPA's comment letter on the Draft Environmental Impact Statement (DEIS) for the CCMA Resource Management Plan.

In our February 15, 1994, DEIS comment letter, we requested additional information in the Final Environmental Impact Statement (FEIS) regarding: (1) existing water quality data for watersheds in the CCMA, including designated beneficial uses and any waters within the CCMA classified as "high quality;" (2) water quality monitoring that would be conducted; (3) specific water quality standards to be met; (4) soil erosion and sedimentation estimates and their relationship to road closures; and (5) nonpoint source pollution control measures that would be implemented in the CCMA. We believe that without addressing these issues and the other comments in our DEIS comment letter, the FEIS would be insufficient as a document whose purpose is to inform the public and the decisionmaker of the existing and potential environmental impacts of CCMA management.

Regarding some of the issues raised above, BLM solicited our help in tracking down the necessary information and/or further clarification of the comments in our DEIS comment letter. The enclosed information is provided pursuant to our agreement to do so.

The small amount of water quality data that exist for the CCMA watersheds indicate a serious potential for problems with toxic substances in surface waters, especially metals and asbestos. Pursuant to Clean Water Act §313, BLM has an obligation to comply with applicable Federal laws and regulations that prohibit the release of toxic substances into waters of the

U.S. We recognize that BLM wants to continue recreation activities in the CCMA. Activities, including mitigation measures, must be carried out in such a manner as to ensure compliance with these laws and regulations.

The FEIS should include federal water quality standards and state water quality objectives and provide all existing data regarding water quality in each watershed (including Hernandez Reservoir and the Gale Avenue Ponding Basin) in order to identify water bodies affected by current activities in the watersheds and to ensure that proper consideration is given to this important information in selecting a preferred alternative. EPA also recommends specific parameters for monitoring and analysis for the newly installed Clear Creek/San Benito River monitoring station and other CCMA watersheds. We urge BLM to establish objectives for reduction of soil erosion and sedimentation for areas within the CCMA and evaluate the impacts of these objectives on CCMA recreation opportunities in the FEIS. In order to do this, your consultants' erosion/ sedimentation/road closure analysis should be completed prior to release of the FEIS. The BLM should also commit to assessing the success of the management plan within five years and determining whether subsequent actions would be necessary in order to meet stated objectives.

EPA is interested in reviewing future documents prepared pursuant to the National Environmental Policy Act (NEPA) which are tiered to this EIS, such as specific activity plan environmental assessments. Please include us on the mailing list for all such documents. We also request a copy of your schedule for completion of these various activity plans.

I trust that the enclosed information will be helpful in your preparation of the FEIS. We will be happy to assist you further in your preparation of the FEIS and future tiered NEPA documents. Please do not hesitate to call me at (415) 744-1584 if you have questions regarding these issues. Alternatively, you may have your staff contact Jeanne Geselbracht at (415) 744-1576. In addition, we respectfully request two copies of the preliminary FEIS when it becomes available prior to its publication.

Sincerely,

Jacqueline Wyland, Chief
Office of Federal Activities

Attachments

cc without attachments:
RWQCB-Central Coast Region
RWQCB-Central Valley Region
Jose Faria, California Dept. of Water Resources
Tim Thomas, U.S. Fish & Wildlife Service-Ventura

Federal and State Water Quality Standards: Attachment #1 ("California Inland Surface Waters Plan," April 1991) provides water quality standards and objectives for specific metals and other contaminants, including asbestos. Also highlighted (in Attachment #2) are narrative standards for sediment and numeric standards for turbidity. The FEIS should include federal water quality standards and state water quality objectives (drinking water and aquatic habitat) for sediment, turbidity, suspended solids, asbestos, and trace elements.

Existing Water Quality Data: Because the CCMA encompasses San Benito Mountain, numerous watersheds are affected by CCMA activities. The three primary watersheds to be considered on the eastside are San Carlos/Panoche, Cantua, and Los Gatos/Arroyo Pasajero. The two primary watersheds on the westside are San Benito and Clear Creek. Attachments #3, #4, #5, #6, and #7 provide information regarding water quality data which we were able to obtain for Los Gatos Creek/Arroyo Pasajero, Panoche/ Silver Creek, Cantua, Clear Creek, and San Benito River, respectively. This is not meant to be a comprehensive listing of available information. BLM is responsible for obtaining appropriate information regarding existing conditions in preparing an EIS under the National Environmental Policy Act. In order to ensure the completeness of the water quality data presented here, we suggest you contact the California Regional Water Quality Control Boards for the Central Valley and Central Coast Regions, the U.S. Geological Survey, and the California Department of Water Resources. The FEIS should include the data regarding existing water quality in each watershed (including Hernandez Reservoir and the Gale Avenue Ponding Basin) in order to identify water bodies affected by current activities in the watersheds and to ensure that proper consideration is given to this important information in selecting a preferred alternative.

The FEIS should also list current water quality impairments for the five major watersheds draining the CCMA. Hernandez Reservoir should also be included. This information is available in the 1994 Water Quality Assessment prepared by the RWQCBs, and water quality assessment data for Panoche/Silver, Cantua, and Los Gatos/Arroyo Pasajero, and Hernandez Reservoir are attached (Attachment #8).

Perusal of most available data indicates:

- Elevated mercury concentrations found in fish tissue in Hernandez Reservoir;

- no monitoring data for metals in Clear Creek;

- lead and chromium concentrations in Panoche/Silver Creek have exceeded state objectives for drinking water during large runoff events;

- detection levels for cadmium, lead, and mercury are too high on Los Gatos/Arroyo Pasajero to detect threats to aquatic life;

- no asbestos data for any creeks except Los Gatos/Arroyo Pasajero;

- asbestos concentrations in Los Gatos/Arroyo Pasajero are higher during first winter rainfall events;

- asbestos concentrations in Los Gatos/Arroyo Pasajero tend to be higher with larger runoff events;

- measured asbestos concentrations found in Los Gatos/Arroyo Pasajero runoff events have not exceeded drinking water standards;

- Los Gatos/Arroyo Pasajero monitoring stations are not capable of monitoring large events which could contain asbestos in concentrations exceeding the standard (for events smaller than 25-year storms, data indicate concentrations approaching drinking water standards/objectives in only three years of recorded sampling);

- selenium concentrations have exceeded federal standards and state objectives for aquatic habitat protection and drinking water in Panoche/Silver Creek;

- potential selenium concentration violations in Cantua and San Benito Creeks;

- boron concentrations in Panoche/Silver, Cantua, and Los Gatos Creeks exceed federal recommended standard (.55 mg/l) for protection of aquatic habitat;

- mercury impairment documented in San Carlos and Panoche Creeks.

Monitoring Recommendations: Asbestos at elevated levels can impair water quality. A Federal drinking water standard of 7.1 million fiber/liter exists for all water bodies of the U.S. Therefore, we recommend that the FEIS include asbestos load estimates associated with erosion and sediment transport for each alternative.

We recommend that BLM fulfill its obligation to analyze asbestos samples collected at the Clear Creek/San Benito Creek monitoring station as soon as possible and that this information be included

in the FEIS. These samples will contain the only data on asbestos concentrations for the Clear Creek watershed. In light of the many beneficial uses of Hernandez Reservoir (including municipal and ground water recharge), the relatively short distance from the reservoir to the Clear Creek headwaters, and the high erosion rates and asbestos concentrations found in Clear Creek watershed soils, this information, along with sampling data for other constituents, is extremely important in determining existing and potential impacts and selecting management options for the preferred alternative.

EPA also recommends that trace element analysis be included in the monitoring data set for the newly installed Clear Creek/San Benito River monitoring station, particularly for mercury, nickel, chromium, cadmium, lead, and selenium. In addition, the other CCMA watersheds should be monitored for asbestos and appropriate metals. We suggest that you contact the RWQCBs and U.S.G.S. for opportunities to monitor for asbestos in existing monitoring programs.

Soil Erosion Estimates: We understand that BLM intends to hire a consultant to conduct a road/trail closure analysis for the CCMA, which would calculate the impacts of various road closure scenarios, and develop a proposal for specific closures. We also understand that, rather than specifying an objective for erosion reduction (e.g., X percent reduction of all erosion), BLM's objective for the outcome of the analysis would be to keep open a specific number of road miles. According to BLM, the preferred alternative would include up to 250 miles of designated vehicle routes, more than double the 119 miles of roads proposed under the preferred alternative in the DEIS (personal communication, Tim Moore, 6/23/94). This would revise the watershed erosion estimate provided in the DEIS for the preferred alternative. We believe that BLM should develop an objective for a specified reduction in soil erosion in the CCMA based on the needs of watershed restoration and BLM's responsibility for protecting the soil resource and complying with water quality standards and objectives. BLM should commit to this reduction in the FEIS and Record of Decision. In order to determine reasonable erosion reduction objectives for specific watersheds and/or other area delineations (e.g., sensitive species areas) within the CCMA and evaluate the impacts of specified reductions on CCMA recreation opportunities in the FEIS, the forthcoming consultants' analysis should be completed **prior to** release of the FEIS.

Furthermore, the BLM needs to clarify its discussion in the FEIS of existing and potential soil erosion and sedimentation impacts and their relationship to road closures. Specifically:

♦ BLM's criteria for road closure should be specified. We recommend the following criteria: (1) close roads in the most

highly erodible soil map units; (2) close roads that pose the greatest threat to degradation of water quality in adjacent or downstream waterbodies (taking into consideration beneficial uses and riparian corridors); (3) close roads that are more susceptible to wind erosion (e.g., along ridgelines); (4) close roads that pose greater impacts to special status species. BLM should develop a prioritization process to implement these criteria in developing road closure scenarios.

♦ DEIS, p. 60, ¶1 states that stream bank and landslide erosion rates are not included in the PTI sediment yield estimates. Without erosion estimates for these sources, it is difficult to weigh the merits of each alternative or understand the magnitude of the problem. We recommend that these source contributions be estimated and added to existing estimates.

♦ DEIS, p. 60 states that most of the erosion from natural conditions is approximately 1.5 times over the natural erosion rate. This is a confusing statement. The erosion rate can be 1.5 times the 'T' value of the soil and still be the natural erosion rate. We recommend rewriting and defining natural vs. accelerated erosion. In bullet #4, it is unclear whether the average sediment yield for undisturbed soil in 3.2 tons/acre/year is the natural average erosion rate for the CCMA or Clear Creek. Is this the baseline referred to in bullet #1? The FEIS should clarify.

♦ It is unclear whether the significant findings regarding roads, specified on page 60, refer to the CCMA as a whole or Clear Creek watershed specifically. We recommend that the FEIS clarify locations for these references and relate the sum estimates (e.g., 80.2 tons/acre/year) to percentages (e.g., 80.2 tons/acre/year contributes to 10% of accelerated erosion).

♦ In discussion of the significant findings on page 60, it should be reemphasized that these estimates do not account for stream bank erosion or landslides. We recommend that these figures be recalculated to account for the additional erosion and the sum quantities of percent yield be provided.

♦ DEIS, p. 60, bullet #6: Relating quantity to percent total accelerated wold be helpful to understand significance of potential reductions.

♦ DEIS, p. 62, bullet #1: Does the sediment yield reduction refer to 20-50% of transported sediment, or of accelerated fraction transported? Is this a significant reduction pertaining to total load [i.e., does this reduction bring the total sediment transported (including streambank and landslides) within Federal and State standards/objectives for turbidity, sediment, and suspended materials] transported to Hernandez Reservoir?

We appreciate the fact that meeting stated objectives for soil erosion reduction and watershed restoration could take several years, especially in light of the fact that very little baseline data exist. We urge BLM to commit in the Record of Decision to assessing the success of the management plan within five years and determining whether subsequent actions would be necessary in order to meet stated objectives. At that time, it may also be appropriate to revise watershed needs and objectives based on evaluation of water quality and soil erosion data collected over five years.